

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

-v-

AMERINDO INVESTMENT ADVISORS  
INC., *et al.*,

Defendants.

No. 05-cv-5231 (RJS)

ORDER

UNITED STATES OF AMERICA

-v-

ALBERTO WILLIAM VILAR, *et al.*,

Defendants.

No. 5-cr-621 (RJS)

RICHARD J. SULLIVAN, District Judge:

The Court is in receipt of a letter from Alfred Heitkonig, dated October 4, 2018 and attached hereto. The government is directed to include its response to this letter, if any, in its reply brief, which – per the Court’s October 4, 2018 Order – shall be filed by October 12, 2018. (5-cr-621, Doc. No. 792.) Any further correspondence of this nature should be directed to the Court’s *Pro Se* Office, rather than to the Court’s chambers email inbox.

SO ORDERED.

Dated: October 5, 2018  
New York, New York

  
\_\_\_\_\_  
RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE

ALFRED HEITKÖNIG  
PO Box 9024038 SAN JUAN, P.R. 00902  
alfredo@ahfs.biz

October 4th, 2018

Honorable Richard J. Sullivan  
United States District Court Judge  
Southern District of New York  
500 Pearl Street  
NY, NY 10007

Dear Judge Sullivan,

Reference is made to my letter dated September 24<sup>th</sup>, 2018 regarding the balance of funds identified and held by the Receiver in the Amerindo affair. In this letter, I offer my views as to why these monies belong to the Amerindo investor claimants and must not be misappropriated at the hands of the SEC.

On the 3<sup>rd</sup> page, I discuss that Vilar, Tanaka & Amerindo were shown to have comingled monies and were short of funds during the criminal trial, and I say that the balance of monies, "in the absence of any bonafide loans or institutional debt (none have been recorded or presented), the monies must belong to the Amerindo investor claimants".

I would like to present a concrete example with reference to the above.

GFRDA as an investment vehicle, was in essence a loan by certain Amerindo investor claimants to Amerindo, Vilar and Tanaka (A,V&T).

As shown in the trial, A,V&T violated the terms of this "loan" by making very risky investments when the prospectus specifically forbade this. However, the terms of these GFRDA loans were further violated by A,V&T when they unilaterally reduced our interest rates.

As certified in my Proof of Claim, A,V&T unilaterally reduced my agreed interest rate from 15% all the way down to 5%, all the while completely ignoring my redemption requests and outrage. My Proof of Claim shows that as a consequence of their actions above, A,V&T owe me \$1,617,716.96 as of May 25, 2005.

I know that my cousin, Mr. Preetzmann Aggerholm is in exactly the same boat, as are most probably other GFRDA investor claimants within the universe of Amerindo investor claimants as well.

When the Receiver came up with his valuation methodology (and the subsequent amended methodology, I (and other Amerindo investor claimants) was told by the Receiver that the valuation methodology was a "one size fits all" calculation to be used to initially distribute monies to the Amerindo investment claimants without delay. I was also told that once these initial distributions were completed (there was much more money available than the sum of the initially approved claims to be distributed), individual claim groupings would be addressed, such as GFRDA or ATGF claims which were affected by the valuation methodologies. Certainly, this must be analyzed in detail before allowing the SEC to run rampant at the expense of claimants such as myself.

In the Receiver's valuation methodologies, the single most contributing factor in determining our "approved" claim was the last Amerindo statement submitted by Amerindo investor claimants in their Proofs of Claim. Let us remain cognizant that A,V&T are convicted fraudsters. By definition fraudsters lie and cheat. A, V&T lied and cheated me by understating my GFRDA holdings by \$1,617,716.96 on my last Amerindo statement received and submitted in my Proof of Claim. This \$1,617,716.96 was not considered in my approved claim by the Receiver. Clearly, I am owed a substantial amount of money by A,V&T, as are many other Amerindo investor claimants. The SEC must be stopped and not be allowed to take what rightfully belongs to certain Amerindo investor claimants.

USA Marc Litt says in his February 3<sup>rd</sup>, 2010 letter, "[T]he Government did not pursue criminal charges with respect to the ATGF investment vehicle". It is probable the ATGF investor claimants are due their fair share of the balance of monies as well. Certainly, this must be also analyzed in detail before allowing the SEC to run rampant at the expense of claimants such as myself and other affected investor claimants.

I have used the GFRDA example above as it clearly and concisely shows monies are owed to me and other GFRDA investors. The SEC has no right or basis to supersede me or any other Amerindo investor claimant. The GFRDA was the most obvious example of A,V&T's fraud and I imagine that is why it was a focal point of the criminal trial, and it clearly proved the allegations. I believe my example above is clear cut and will allow your Honor to order the SEC to back off.

Thank you for your consideration to the above.

Respectfully submitted,



Alfred Heitkönig